UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,532	03/29/2004	Ye Gu	60001.0324US01/MS306700.1	2260

7590 02/07/2007		EXAMINER
Leonard J. Hope		WONG, WILLIAM
Merchant & Gould P.C.		
P.O. Box 2903	ART UNIT	PAPER NUMBER
Minneapolis, MN 55402-0903	2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)	
Office Action Summary	10/811,532	GU, YE	
	Examiner	Art Unit	
	William Wong	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *29 March 2004*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 March 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *9/29/2004*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-18 are pending and have been examined.

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 09/29/2004 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. However, the document of Pearse in the IDS was not considered by the examiner because applicant only supplied to the office a copy of a search result and not a copy of the document itself.

Specification

2.   The disclosure is objected to because of the following informalities:

- "and a may" should be "and may" (line 26 on page 5).

- "aspects of an the" should be "aspects of the" (line 6 on page 10).

- "menu layout is comprises" should be "menu layout comprises" (line 17 on page 10).

- EPROM, EEPROM, and CD-ROM should be spelled out with the abbreviations in parenthesis following (lines 23-24 on page 6).

- "root not" should be "root node" (line 2 on page 13).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Regarding claim 10, the phrase "may" renders the claim indefinite because the

phrase also suggests that the menu items could be something other than an item or

folder, thereby rendering the scope of the claim unascertainable.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

6.   Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. In lines 18-19 on page 6 of the specification,

applicant states, "By way of example, and not limitation, computer-readable media may

comprise computer storage media and communication media". The computer readable

medium disclosed in the claim does not constitute patent eligible subject matter

because it could be a communication media (e.g. electromagnetic signals, which do not

fit any of the statutory categories of invention).

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-2 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated

by Dees (US 2003/0137539 A1).

Claim 1

As per claim 1, Dees teaches **a method for dynamically generating a user**

interface menu, the method comprising: storing a menu definition file containing

data describing one or more menu items to be displayed as the menu (in

paragraph 35 on page 2-3 and paragraph 37 on page 3, *user interface definition*

document and paragraph 47 on page 3, *displays a list with the options from which the*

user can choose; the user interface definition file is therefore inherently a menu

definition file); **storing a view definition file separate from the menu definition file,**

the view definition file containing data describing how the menu should appear

when displayed (in paragraph 35 on page 2-3, *style sheet document*); **and utilizing**

the contents of the menu definition file and the view definition file to dynamically

generate the menu (in paragraph 51 on pages 3-4 and paragraphs 56-57 on page 4).

Claim 2

As per claim 2, the rejection of claim 1 is incorporated and Dees further teaches **wherein the menu comprises an items component for displaying each of the one or more menu items** (in paragraph 47 on page 3, *displays a list with the options from which the user can choose*, therefore an items component is inherent).

Claim 17

As per claim 17, Dees teaches **a computer-readable medium having computer-executable instructions stored thereon** (in paragraph 35 on pages 2-3 and paragraph 52 on page 4), **which when executed by a computer** (in paragraph 33-34 on page 2) **will cause the computer to perform the method of Claim 1** (see the rejection of claim 1).

Claim 18

As per claim 18, Dees teaches **a computer-controlled apparatus** (in paragraphs 33-35 on pages 2-3) **capable of performing the method of Claim 1** (see the rejection of claim 1).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 3-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dees (US 2003/0137539 A1) in view of Kelts (2002/0112237 A1).

Claim 3

As per claim 3, Dees teaches the method of Claim 2 (see the rejection of claim

2), but does not specifically teach **a preview component for displaying a preview**

corresponding to a currently selected menu item. However, Kelts teaches the

above limitation (in figures 1-4, *map item information area and content description*

element and in paragraph 94 on page 9). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the teaching of Dees with

the preview component of Kelts to provide the user with additional information

pertaining to a selected menu element.

Claim 4

As per claim 4, the rejection of claim 3 is incorporated, but Dees does not

specifically teach **a category component for displaying information corresponding**

to a group of menu items. However, Kelts teaches the above limitation (item 118 in

figure 1 and in paragraph 68 on page 5). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the teaching of Dees with

the category component of Kelts to provide the user with an understanding of the

relationship among groups of menu elements so that the user can better navigate the

menu.

Claim 5

As per claim 5, the rejection of claim 4 is incorporated, but Dees does not specifically teach **a graphic that should be displayed for each of said one or more menu items in the items component when a menu item is unselected.** However, Kelts teaches the above limitation (in figures 1-3 and in paragraph 48 on page 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the menu item graphic of Kelts to provide a representation on the menu screen that the user can immediately recognize as a selectable option and can quickly associate that representation with what the representation represents. Note that the user interface/menu definition file of Dees would inherently store data identifying the menu item graphics.

Claim 6

As per claim 6, the rejection of claim 5 is incorporated, but Dees does not specifically teach **a graphic that should be displayed in the preview component when a menu item is selected.** However, Kelts teaches the above limitation (in figures 1-3 and in paragraph 61 on page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the preview component graphic of Kelts to provide additional information that the user can associate with the selected menu element. Note that the user interface/menu definition file of Dees would inherently store data identifying the preview component graphics.

Claim 7

As per claim 7, the rejection of claim 6 is incorporated, but Dees does not specifically teach **a text label to be displayed for each menu item in the items component**. However, Kelts teaches the above limitation (in figures 1-3 and in paragraph 90 on page 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the text label of Kelts to allow the user to quickly understand what each menu element represents. Note that the user interface/menu definition file of Dees would inherently store the text labels.

Claim 8

As per claim 8, the rejection of claim 7 is incorporated, but Dees does not specifically teach **a text description to be displayed for each menu item in the preview component**. However, Kelts teaches the above limitation (in figures 1-4 and in paragraph 94 on page 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the text description of Kelts to provide the user with more detailed information pertaining to a selected menu element. Note that the user interface/menu definition file of Dees would inherently store the text descriptions.

Claim 9

As per claim 9, the rejection of claim 8 is incorporated and Dees further teaches **wherein for each of said one or more menu items the menu definition file stores data identifying an action to be performed if a request to execute a selected menu item is received** (in paragraph 36 and 47 on page 3).

Claim 10

As per claim 10, the rejection of claim 9 is incorporated and **wherein said one or more menu items may comprise an item or a folder** is inherent because a menu item is an item.

Claim 11

As per claim 11, the rejection of claim 10 is incorporated and Dees further teaches **wherein the view definition file stores data defining a style to be utilized when displaying the menu defined within the menu definition file** (in paragraph 38 on page 3, *style information for abstract elements, including user interface elements*).

Claim 12

As per claim 12, the rejection of claim 11 is incorporated and Dees further teaches **wherein the style comprises data identifying a background image to be utilized within the items component** (in paragraph 38 on page 3).

Claim 13

As per claim 13, the rejection of claim 12 is incorporated and Dees further

teaches **wherein the style further comprises data defining an on screen position**

for each of the menu items within the items component (in paragraph 38 on page 3,

X- and Y-coordinates on the screen and *layout*).

Claim 14

As per claim 14, the rejection of claim 13 is incorporated and Dees further

teaches **receiving an updated menu definition file and an updated view definition**

file and replacing the menu definition file with the updated menu definition file

and replacing the view definition file with the updated view definition file (in

paragraph 51 on pages 3-4 and paragraphs 56-57 on page 4).

Claim 15

As per claim 15, the rejection of claim 14 is incorporated and Dees further

teaches **wherein the updated menu definition file and the updated view definition**

file are received via a wireless connection (in paragraph 34 on page 2 and

paragraph 51 on pages 3-4 in view of figure 1).

<u>Claim 16</u>

As per claim 16, the rejection of claim 14 is incorporated and Dees further

teaches **wherein the updated menu definition file and the updated view definition**

file are received via a memory device (in paragraph 52 on page 4).

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

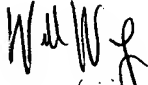|		
US 5581685 A	Hierarchical menu system providing a definition file for each menu	Sakurai; Hiroko
US 6173316 B1	Wireless communication device with markup language based man-machine interface	De Boor; Adam et al.
US 6310634 B1	User interface methodology supporting light data entry for microprocessor device having limited user input	Bodnar; Eric O. et al.
US 20020078143 A1	Wireless communication device with markup language based man-machine interface	De Boor, Adam et al.
US 20020099456 A1	User interfaces	McLean, Alistair William
US 6476828 B1	Systems, methods and computer program products for building and displaying dynamic graphical user interfaces	Burkett; Charles Edward et al.
US 20020196293 A1	User interface display navigation and item selection system	Suppan, Scott John et al.
US 20030007014 A1	User interface system for composing an image page layout	Suppan, Scott John et al.
US 20040061713 A1	Mark-up language implementation of graphical or non-graphical user interfaces	Jennings, Terry D.
US 6791581 B2	Methods and systems for synchronizing skin properties	Novak; Michael J. et al.
US 20040216054 A1	Method and apparatus for modifying skin and theme screens on a communication product	Mathews, Ajit et al.

US 20040220943 A1	Data structure and method facilitating a custom user interface	Ross, Douglas E. et al.
US 20050050474 A1	Method and data structure for user interface customization	Bells, Matthew et al.
US 20050257170 A1	Apparatus and method for displaying menus in a portable terminal	Kim, Hyun-Soo et al.
US 7028262 B2	Method and system for designing a theme and associating it with a collaboration space user interface	Estrada; Julio et al.
US 7073130 B2	Methods and systems for creating skins	Novak; Michael J. et al.
US 7093198 B1	Skins for mobile communication devices	Paatero; Lauri et al.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Wong whose telephone number is 571-270-1399. The examiner can normally be reached on M-F 7:30-5:00 EST with every other Friday 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William Wong
Patent Examiner

Art Unit 2162